

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

September 20, 2023

Toussaint Marcus Cummings  
Quintairos Prieto Wood & Boyer, PA  
9300 S DADELAND BLVD FL 4  
MIAMI, FL 33156

Brian H. Pollock  
FairLaw Firm  
135 SAN LORENZO AVE STE 770  
CORAL GABLES, FL 33146

Appeal Number: 23-13046-F  
Case Style: Delio Batista, et al v. Avant Assurance, Inc., et al  
District Court Docket No: 1:22-cv-22671-CMA

FILED BY AP D.C.  
**Sep 20, 2023**  
ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI

CIVIL DOCKETING NOTICE

The above-referenced appeal has been docketed in this Court as it pertains to ***Appellees - Cross Appellants Delio Batista, Carlos Lopez, Mariana Lopez and Rafaela Valiente.*** All documents filed in this appeal must include the Case Style and Appeal Number shown above.

Cross-Appeal

A cross-appeal has been docketed. See FRAP 28.1.

Appellant Requirements

Unless the following requirements have already been satisfied, **within 14 days of the date of this notice the appellant MUST:**

1. Pay to the **District Court** the Filing Fee **OR** File a Motion to Proceed In Forma Pauperis (IFP) in the district court. See FRAP 3(e), FRAP 24.

*If the filing fee is not paid and a motion to proceed IFP has not been filed in the district court within 14 days of the date of this notice, this appeal will be dismissed without further notice pursuant to 11th Cir. R. 42-1(b).*

*If the district court has denied the appellant IFP status on appeal, the appellant has 30 days from the date of the district court's order to file an IFP motion in this Court. See FRAP 24(a)(5).*

2. File in this Court **AND** in the district court a [Transcript Order Form](#) **OR** file a certificate in this Court stating no transcripts will be ordered. See FRAP 10(b)(1), 11th Cir. R. 10-1. (Not applicable in certain bankruptcy appeals. See FRAP 6(b)).

*If no transcripts are ordered, appellant's brief is due 40 days after 09/15/2023, except as otherwise provided by the rules. See 11th Cir. Rules 12-1 and 31-1.*

3. File a [Certificate of Interested Persons and Corporate Disclosure Statement \(CIP\)](#). See 11th Cir. R. 26-1(a)(1).
4. Complete the [Web-Based CIP](#) (attorneys only). See 11th Cir. R. 26.1-1(b).
5. File a [Civil Appeal Statement](#) (attorneys only). See 11th Cir. R. 33-1(a)(3).

#### Mediation

If a Civil Appeal Statement is required to be filed and the appeal is fully counseled on all sides, your appeal will be reviewed and considered for mediation. Mediation services are at no cost to the parties. If no Civil Appeal Statement is required or you or any party to the appeal is self-represented or *pro se* then the appeal is not eligible for mediation. See 11th Cir. R. 33-1.

#### Appellee Requirements

Unless the following requirements have already been satisfied, **within 28 days of the date of this notice, all appellees participating in this appeal MUST:**

1. File a [CIP](#) or a notice. See 11th Cir. R. 26.1-1(a)(3).
2. Complete the [Web-Based CIP](#) (attorneys only). See 11th Cir. R. 26.1-1(b).

#### Attorney Participation

All attorneys (except court-appointed attorneys) who wish to participate in this appeal must file an [Appearance of Counsel Form](#) within 14 days of the date of this notice. See 11th Cir. R. 46-6(b). Please also see FRAP 46 and the corresponding circuit rules.

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated *pro se* parties are permitted to use the ECF system by registering for an account at [www.pacer.gov](http://www.pacer.gov). Information and training materials related to electronic filing are available on the Court's website.

Obligation to Notify Court of Change of Addresses

Each pro se party and attorney has a continuing obligation to notify this Court of any changes to the party's or attorney's addresses during the pendency of the case. See 11th Cir. R. 25-7.

Additional Information

Rules, forms, and additional information, including a handbook for pro se litigants, can be found at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov).

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

CIVIL - Notice of Docketing

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-CV-22671-ALTONAGA/TORRES

DELIO BATISTA,  
CARLOS LOPEZ,  
MARIANA LOPEZ AND  
RAFAELA VALIENTE,

Plaintiff,

vs.

AVANT ASSURANCE INC.,  
REINIER CORTES, AND  
ANDREA GONZALEZ QUINTERO,

Defendants.

**NOTICE OF APPEAL**

Plaintiffs, Delio Batista, Carlos Lopez, Mariana Lopez, and Rafaela Valiente, appeal to the United States Court of Appeals for the Eleventh Circuit from the Final Judgment [ECF No. 106] and all other Orders entered in this case.

Dated this 13th day of September 2023.

s/Brian H. Pollock, Esq.  
Brian H. Pollock, Esq.  
Fla. Bar No. 174742  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)  
FAIRLAW FIRM  
135 San Lorenzo Avenue  
Suite 770  
Coral Gables, FL 33146  
Tel: 305.230.4884  
*Counsel for Plaintiffs*